

### **REMARKS**

Claims 1 to 15 were pending in the above-identified application prior to entry of this Amendment. In this Amendment, claims 1, 3, 9, 10 and 15 have been cancelled. Claims 2, 12, 13 and 14 have been amended. Accordingly, after entry of this Amendment, claims 2, 4-8, and 11-14 are pending in this case. The changes to the claims do not constitute the addition of new matter and full support for the changes may be found in the specification and claims as originally filed. Specifically, claim 2 has been amended to incorporate the limitations of claim 3 and claims 12-14 have been amended to refer back to claim 2 instead of cancelled claim 1.

### **Rejection Under 35 U.S.C. §112, Second Paragraph**

The examiner has rejected claims 9 and 10 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The examiner objects to the term “substantially similar” as a relative term that renders the claims indefinite. While the Applicant does not acquiesce to the Examiner’s position that the term “substantially similar” renders claims 9 and 10 indefinite, in order to advance the prosecution of this case, claims 9 and 10 have been cancelled.

The rejection of claims 9 and 10 under 35 U.S.C. §112, second paragraph, is therefore rendered moot and withdrawal of the rejections under 35 U.S.C. §112, second paragraph, is respectfully requested.

The above discussion and corresponding Amendments are based on section 112 issues and are not made to overcome art-based rejections. Accordingly, such discussion and corresponding amendments should not be construed in a limiting manner.

### **Rejection Under 35 U.S.C. §103**

The examiner has rejected claims 1, 2, and 12 -15 under 35 U.S.C. §103(a) as allegedly obvious in light of Hu (USPN 6,132,740, “the ‘740 patent”). Without acquiescing to the correctness of the Examiner’s assertions, and solely in order to advance the prosecution of this case, Applicant has cancelled claim 1 and amended claim 2 to incorporate all of the limitations of claim 3.

In view of these remarks, withdrawal of the rejections under 35 U.S.C. §103 is respectfully requested.

**Provisional Double Patenting Rejection under 35 U.S.C. §103**

Claims 1-15 have been provisionally rejected under 35 U.S.C. §101 as claiming the same invention of that of claims 1-15 of copending application No. 10/848,656 (filed May 19, 2004). Without acquiescing to the correctness of the Examiner's assertion and solely to advance the prosecution of these two cases, Applicants submit herewith a terminal disclaimer over copending application No. 10/848,656.

It is respectfully submitted that the claims have been put in condition for allowance. Notification to this affect is earnestly solicited. The Examiner is encouraged to contact the Applicants' undersigned attorney to discuss this matter if any questions should arise upon further examination of the pending claims.

Respectfully submitted,

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Date

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